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10/658,929	09/09/2003	Kevin Lym	SONY-26100	3117

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EXAMINER

MENDOZA, JUNIOR O

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2609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/658,929	Applicant(s) LYM, KEVIN	
	Examiner Junior O. Mendoza	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/16/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Claim 15 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 14. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, 3, 4, 5, 11, 41 and 42** are rejected under 35 U.S.C. 102(e) as being anticipated by Martino et al. (Pub No 2003/0126130). Hereinafter referenced as Martino.

Regarding **claim 1**, Martino discloses a content reception system (100) that receives content of different types, paragraph [0018] also exhibited on fig 1, which reads on “an interface coupled to receive downloaded digital information”. Moreover, Martino discloses a memory (107) that is employed to store received information, paragraph [0020] also exhibited on fig 1, which reads on “storage device coupled to the interface to

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store the digital information". Martino discloses a controller (101) that receives at least information regarding content available from one or more external sources, paragraph [0011] and [0017] also exhibited on fig 1, which reads on "a controller couple to the storage device". Last but not least, Martino discloses a sorting mechanism utilizing content type, shown in paragraph [0009], and a system that sorts different content types such as videos, songs, books, etc; paragraph [0030], which reads on "sort and distribute digital information based on the type".

Regarding **claim 2**, Martino discloses everything claimed as applied above (See claim 1), in addition, Martino discloses a content reception system (100) where the controller (101) receives information from an external source such as an internet content server, paragraph [0017], which reads on "digital information is downloaded from a server".

Regarding **claim 3**, Martino discloses everything claimed as applied above (See claim 1), in addition, Martino discloses recordable type medium such as hard disk drives, paragraph [0038], which reads on "storage device is a hard disk drive".

Regarding **claim 4**, Martino discloses everything claimed as applied above (See claim 1), in addition, Martino discloses a controller (101) in the exemplary embodiment that includes a memory (107), which is preferably nonvolatile, paragraph [0020], and machine usable mediums that include ROMs, EEPROMs, hard disk drives, CD-ROMs,

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DVDs, etc, paragraph [0038], which reads on “storage device is a semiconductor memory”.

Regarding **claim 5**, Martino discloses everything claimed as applied above (See claim 1), in addition, Martino discloses different content types of data such as video, songs, books, etc, paragraph [0030], which reads on “digital information comprises media content including music, videos, and data”.

Regarding **claim 11**, Martino discloses everything claimed as applied above (See claim 1), in addition, Martino discloses that the controller [101] of the invention may be implemented within a digital video recorder or a digital audio player, paragraph [0017], which reads on “secondary devices include one or more of an mp3 player, a video recorder and a handheld”.

Regarding **claim 41**, Martino discloses the method for routing digital information of claim 1. Thus claim 41 is an inherent variation of claim 1 and it is interpreted and rejected for the same reasons as stated above.

Regarding **claim 42**, Martino discloses everything claimed as applied above (See claim 41), in addition, Martino discloses the method for routing digital information of claim 2. Thus claim 42 is an inherent variation of claim 2 and is interpreted and rejected for the same reasons as stated above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 6, 7, 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino in view of Yamauchi et al. (Pub No US 2004/0250061). Hereinafter referenced as Yamauchi.

Regarding **claim 6**, Martino discloses everything claimed as applied above (See claim 1), in addition, Martino discloses a sort controller (105) couple to controller (101) that receives any type of data and it is employed as a sorting mechanism, paragraph [0022], which reads on "the controller". However, Martino fails to disclose a routing table to route the digital information. However, the examiner maintains that it was well known in the art to provide a routing table to route the digital information, as taught by Yamauchi.

In a similar field of endeavor Yamauchi discloses Transmission/Reception System. In addition, Yamauchi discloses that the routing processing unit (58) has an internal routing table (81) that transfers the obtained data to its corresponding destination, paragraph [0272] also exhibited on fig 15, which reads on "a routing table to route the digital information".

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martino by specifically providing a routing table to route the digital information, as taught by Yamauchi, for the purpose of implementing a fast and organized way of routing information to different places.

Regarding **claim 7** Martino discloses everything claimed as applied above (See claim 6), in addition, Martino discloses a sorting mechanism utilizing content type, paragraph [0009], which reads on "file type". However, Martino fails to disclose that the routing table further comprises a file type column and a device column. However, the examiner maintains that it was well known in the art to provide a routing table to route the digital information, as taught by Yamauchi.

In a similar field of endeavor Yamauchi discloses Transmission/Reception System. In addition, Yamauchi discloses that the information included in authentication data is registered divided into a device column (692), paragraph [0328] also exhibited on fig 16; moreover, Yamauchi discloses a type column, paragraph [0193] also exhibited on fig 7G, which reads on "the routing table further comprises a file type column and a device column".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martino by specifically providing a routing table to route the digital information, as taught by Yamauchi, for the purpose of allowing the computer to redirect data to the secondary devices in an orderly manner.

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Regarding **claim 8**, Martino discloses everything claimed as applied above (See claim 6), in addition, Martino discloses that meta-data regarding to the content type is used for sorting, paragraph [0022], which reads on “meta data information within the digital information”. However, Martino fails to disclose a routing table. However, the examiner maintains that it was well known in the art to provide routing table, as taught by Yamauchi.

In a similar field of endeavor Yamauchi discloses a Transmission/Reception System. In addition, Yamauchi discloses a routing processing unit (58) has an internal routing table (81) that transfers the obtained data to its corresponding destination, paragraph [0272] also exhibited on fig 15, which reads on “routing table”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martino by specifically providing element, as taught by Yamauchi, for the purpose of generating a more accurate distribution of the different types of files.

Regarding **claim 9**, Martino discloses everything claimed as applied above (See claim 6), in addition, Martino discloses user preferences associated with each item or attribute and an item type, which reads on “user defined”. However, Martino fails to disclose routing tables. However, the examiner maintains that it was well known in the art to provide routing tables, as taught by Yamauchi.

In a similar field of endeavor Yamauchi discloses a Transmission/Reception System. In addition, Yamauchi discloses a routing processing unit (58) has an internal

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routing table (81) that transfers the obtained data to its corresponding destination, paragraph [0272] also exhibited on fig 15, which reads on "routing tables".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martino by specifically providing routing tables, as taught by Yamauchi, for the purpose of providing even more flexibility for the user to customize the grouping preferences.

6. **Claims 10, 43 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable Martino in view of Calhoon et al. (Pub No US 2004/0175098). Hereinafter referenced as Calhoon.

Regarding **claim 10**, Martino discloses everything claimed as applied above (See claim 1), in addition, Martino discloses a controller (101) that receives information, paragraph [0017], which reads on "controller". However, Martino fails to disclose the auto detection of one or more secondary devices. However, the examiner maintains that it was well known in the art to provide the auto detection of one or more secondary devices, as taught by Calhoon.

In a similar field of endeavor Calhoon discloses Systems and Methods for receiving, storing and rendering digital video, music and pictures on a personal media player. In addition, Calhoon discloses plug and play devices that automatically detect and coordinate interaction with each other, paragraph [0038], which reads on "the auto detection of one or more secondary devices".

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martino by specifically providing the auto detection of one or more secondary devices, as taught by Calhoon, for the purpose of simplification of the device in which no extra software needs to be installed in order for the computer to recognize the secondary device.

Regarding **claim 43**, Martino discloses everything claimed as applied above (See claim 41); in addition, Martino and Calhoon disclose everything claimed where claim 43 is the method for the apparatus claimed in claim 10. Therefore, claim 43 stands rejected for the same reasons as stated above (see claim 10) since it is inherent to the apparatus claimed in claim 10, respectively.

Regarding **claim 44**, Martino discloses everything claimed as applied above (See claim 41); in addition, Martino discloses a memory (107) that is employed to store received information, paragraph [0020] also exhibited on fig 1, which reads on "storing the digital information". However, Martino fails to disclose that the storing is done until the corresponding one or more secondary devices are couple to the computing device. However, the examiner maintains that it was well known in the art to provide the auto detection of one or more secondary devices, as taught by Calhoon.

In a similar field of endeavor Calhoon discloses Systems and Methods for receiving, storing and rendering digital video, music and pictures on a personal media player. In addition, Calhoon discloses that a universal plug and play device is

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automatically recognized by a computer, where interaction is established between each other, paragraph [0037]; moreover Calhoon discloses that when the device is plug into the network, the device will configure itself to the network, acquiring a TCP/IP address (which is a type of data) automatically from the computer, paragraph [0038], which reads on “storing is done until the corresponding one or more secondary devices is couple to the computing device”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martino by specifically providing the auto detection of one or more secondary devices, as taught by Calhoon, for the purpose of automating the process without having the user manually transfer data to the device.

7. **Claims 12 – 14 and 16 - 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino in view of Calhoon, and further in view of Yamauchi.

Regarding **claim 12**, Martino discloses a content reception system (100) that receives content of different types, paragraph [0018] also exhibited on fig 1, which reads on “an interface coupled to receive downloaded digital information”. Moreover, Martino discloses a memory (107) that is employed to store received information, paragraph [0020] also exhibited on fig 1, which reads on “storage device coupled to the interface to store the digital information”. Moreover, Martino discloses a sort controller (105) couple to controller (101) that receives any type of data and it is employed as a sorting mechanism, paragraph [0022], which reads on “a controller couple to the storage device”. However, Martino fails to disclose the auto detection of one or more secondary

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devices. However, the examiner maintains that it was well known in the art to provide the auto detection of one or more secondary devices, as taught by Calhoon. In a similar field of endeavor Calhoon discloses Systems and Methods for receiving, storing and rendering digital video, music and pictures on a personal media player. In addition, Calhoon discloses plug and play devices that automatically detect and coordinate interaction with each other, paragraph [0038], which reads on “the auto detection of one or more secondary devices”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martino by specifically providing the auto detection of one or more secondary devices, as taught by Calhoon, for the purpose of simplification of the device in which no extra software needs to be installed in order for the computer to recognize the secondary device.

The combination of Martino and Calhoon still fail to disclose that the controller determines which type of digital information is routed to which secondary device and that the controller distributes the digital information to one or more secondary devices based on the type. However, the examiner maintains that it was well known in the art to provide such elements as taught by Yamauchi. In a similar field of endeavor Yamauchi discloses a Transmission/Reception System. In addition, Yamauchi discloses that the routing processing unit (58) has an internal routing table (81), where the processor transfers the obtained data to its corresponding destination based on the routing table, where such destination includes secondary devices as taught by Calhoon, paragraph [0272] also exhibited on fig 15, which reads on “a controller determines which type of

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digital information is routed to which secondary device". Moreover, Yamauchi discloses a routing processing unit (58) that has an internal routing table (81) that transfers the obtained data to its corresponding destination, paragraph [0272] also exhibited on fig 15; moreover Martino discloses that meta-data regarding to the content type is used for sorting, paragraph [0022], which reads on "distribute the digital information to the one or more secondary devices based on the type".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martino and Calhoon by specifically providing a controller that determines which type of digital information is routed to which secondary device and such controller distributes the digital information to one or more secondary devices based on the type, as taught by Yamauchi, for the purpose of implementing a fast, effective and organized way of routing information to different places.

Regarding **claim 13**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 12); in addition, claim 13 is a variation of claim 2. Therefore, claim 13 stands rejected for the same reasons as stated above (see claims 2 and 12) since they are inherent to the apparatus claimed in claim 13, respectively.

Regarding **claim 14**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 12); in addition, claim 14 is a variation of claim 3. Therefore, claim 14 stands rejected for the same reasons as stated above (see claims 3 and 12) since they are inherent to the apparatus claimed in claim 14, respectively.

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Regarding **claim 16**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 12); in addition, claim 16 is a variation of claim 5. Therefore, claim 16 stands rejected for the same reasons as stated above (see claims 5 and 12) since they are inherent to the apparatus claimed in claim 16, respectively.

Regarding **claim 17**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 12); in addition, claim 17 is a variation of claim 6. Therefore, claim 17 stands rejected for the same reasons as stated above (see claims 6 and 12) since they are inherent to the apparatus claimed in claim 17, respectively.

Regarding **claim 18**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 17); in addition, claim 18 is a variation of claim 7. Therefore, claim 18 stands rejected for the same reasons as stated above (see claims 7 and 17) since they are inherent to the apparatus claimed in claim 18, respectively.

Regarding **claim 19**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 17); in addition, claim 19 is a variation of claim 8. Therefore, claim 19 stands rejected for the same reasons as stated above (see claims 8 and 17) since they are inherent to the apparatus claimed in claim 19, respectively.

Regarding **claim 20**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 17); in addition, claim 20 is a variation of claim 9.

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Therefore, claim 20 stands rejected for the same reasons as stated above (see claims 9 and 17) since they are inherent to the apparatus claimed in claim 20, respectively.

Regarding **claim 21**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 12); in addition, claim 21 is a variation of claim 11. Therefore, claim 21 stands rejected for the same reasons as stated above (see claims 11 and 12) since they are inherent to the apparatus claimed in claim 21, respectively.

Regarding **claim 22**, Martino, Yamauchi and Calhoon disclose everything claimed. In addition, claim 22 is a variation of claim 12. Therefore, claim 22 stands rejected for the same reasons as stated above (see claim 12) since it is inherent to the apparatus claimed in claim 22.

Regarding **claim 23**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 22); in addition, claim 23 is a variation of claim 2. Therefore, claim 23 stands rejected for the same reasons as stated above (see claims 2 and 22) since they are inherent to the apparatus claimed in claim 23, respectively.

Regarding **claim 24**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 22); in addition, claim 24 is a variation of claim 3. Therefore, claim 24 stands rejected for the same reasons as stated above (see claims 3 and 22) since they are inherent to the apparatus claimed in claim 24, respectively.

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Regarding **claim 25**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 22); in addition, claim 25 is a variation of claim 4. Therefore, claim 25 stands rejected for the same reasons as stated above (see claims 4 and 22) since they are inherent to the apparatus claimed in claim 25, respectively.

Regarding **claim 26**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 22); in addition, claim 26 is a variation of claim 5. Therefore, claim 26 stands rejected for the same reasons as stated above (see claims 5 and 22) since they are inherent to the apparatus claimed in claim 26, respectively.

Regarding **claim 27**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 22); in addition, claim 27 is a variation of claim 7. Therefore, claim 27 stands rejected for the same reasons as stated above (see claims 7 and 22) since they are inherent to the apparatus claimed in claim 27, respectively.

Regarding **claim 28**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 22); in addition, claim 28 is a variation of claim 8. Therefore, claim 28 stands rejected for the same reasons as stated above (see claims 8 and 22) since they are inherent to the apparatus claimed in claim 28, respectively.

Regarding **claim 29**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 22); in addition, claim 29 is a variation of claim 9.

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Therefore, claim 29 stands rejected for the same reasons as stated above (see claims 9 and 22) since they are inherent to the apparatus claimed in claim 29, respectively.

Regarding **claim 30**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 22); in addition, claim 30 is a variation of claim 11. Therefore, claim 30 stands rejected for the same reasons as stated above (see claims 11 and 22) since they are inherent to the apparatus claimed in claim 30, respectively.

Regarding **claim 31**, Martino, Yamauchi and Calhoon disclose everything claimed. In addition, claim 31 is a combination of claims 2, 11 and 12. Therefore, claim 31 stands rejected for the same reasons as stated above (see claims 2, 11 and 12) since they are inherent to the device claimed in claim 31, respectively.

Regarding **claim 32**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 31); in addition, claim 32 is a variation of claim 5. Therefore, claim 32 stands rejected for the same reasons as stated above (see claims 5 and 31) since they are inherent to the device claimed in claim 32, respectively.

Regarding **claim 33**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 31); in addition, claim 33 is a variation of claim 1. Therefore, claim 33 stands rejected for the same reasons as stated above (see claims 1 and 31) since they are inherent to the device claimed in claim 33, respectively.

Regarding **claim 34**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 33); in addition, claim 34 is a variation of claim 10. Therefore, claim 34 stands rejected for the same reasons as stated above (see claims 10 and 33) since they are inherent to the device claimed in claim 34, respectively.

Regarding **claim 35**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 33); in addition, claim 35 is a variation of claim 3. Therefore, claim 35 stands rejected for the same reasons as stated above (see claims 3 and 33) since they are inherent to the device claimed in claim 35, respectively.

Regarding **claim 36**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 33); in addition, claim 36 is a variation of claim 4. Therefore, claim 36 stands rejected for the same reasons as stated above (see claims 4 and 33) since they are inherent to the device claimed in claim 36, respectively.

Regarding **claim 37**, Martino, Yamauchi and Calhoon disclose everything claimed as applied above (See claim 31), in addition, Martino discloses that a controller (101) may be implemented within a video receiver (110) such as a personal computer or the like, paragraph [0017], which reads on “computing device is a personal computer”.

Regarding **claim 38**, Martino, Yamauchi and Calhoon disclose everything claimed as applied above (See claim 31), in addition, Martino discloses that a controller

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(101) may be implemented within a video receiver (110) such as a set-top box or the like, paragraph [0017], which reads on “computing device is a set-top box”.

Regarding **claim 39**, Martino, Yamauchi and Calhoon disclose everything claimed as applied above (See claim 31), in addition, Calhoon discloses a modem (420) which in turn is connected to a server (410) via a distributed network medium, paragraph [0036] also exhibited in fig 4A, which reads on “a modem device for coupling to the server”.

Regarding **claim 40**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 31); in addition, claim 40 is a variation of claim 11. Therefore, claim 40 stands rejected for the same reasons as stated above (see claims 11 and 31) since they are inherent to the device claimed in claim 40, respectively.

Regarding **claim 45**, Martino, Yamauchi and Calhoon disclose everything claimed. In addition, claim 45 is a variation of claim 12. Therefore, claim 45 stands rejected for the same reasons as stated above (see claim 12) since they are inherent to the method claimed in claim 45.

Regarding **claim 46**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 45); in addition, claim 46 is a variation of claim 2.

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Therefore, claim 46 stands rejected for the same reasons as stated above (see claims 2 and 45) since they are inherent to the method claimed in claim 46, respectively.

Regarding **claim 47**, Martino, Yamauchi and Calhoon disclose everything claimed as above (see claim 45); in addition, claim 47 is a variation of claim 44.

Therefore, claim 47 stands rejected for the same reasons as stated above (see claims 44 and 45) since they are inherent to the method claimed in claim 47, respectively.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cazier (Pub No US 2003/0163467) – A system that uses sorting criteria to reorganize data.
- Ireton (Pub No US 2003/0105743) – A system that includes a store of files, which is sorted based on used preferences.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junior O. Mendoza whose telephone number is 571-270-3573. The examiner can normally be reached on Monday - Thursday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JEFFEREY F. HAROLD
SUPERVISORY PATENT EXAMINER


Junior O Mendoza
Examiner
Art Unit 2609

JM 
August 21, 2007